

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: SUBSTANTIALLY PURE ANTIHISTAMINIC COMPOUND

The specification of which

- a. is attached hereto
- b. was filed on [REDACTED] as application serial no. [REDACTED] and was amended on [REDACTED] (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/IN03/00156 filed 16 April 2003 and as amended on [REDACTED] (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. no such applications have been filed.
- b. such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
India	348/MUM/2002	15 April 2002	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

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I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and

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(3) Every person who is substantively involved in preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name THENNATI	First Given Name Rajamannar	Second Given Name
0	Residence & Citizenship	City Baroda	State or Foreign Country India	
1	Mailing Address	Address Sun Pharma Advanced Research Centre, Akota Road, Akota	City Baroda	State & Zip Code/Country 390020/India
Signature of Inventor 201:			Date:	
2	Full Name Of Inventor	Family Name CHITTURI	First Given Name Trinadha	Second Given Name Rao
0	Residence & Citizenship	City Baroda	State or Foreign Country India	
2	Mailing Address	Address Sun Pharma Advanced Research Centre, Akota Road, Akota	City Baroda	State & Zip Code/Country 390020/India
Signature of Inventor 202:			Date:	
2	Full Name Of Inventor	Family Name KANANGI	First Given Name Shivramchandra	Second Given Name
0	Residence & Citizenship	City Baroda	State or Foreign Country India	
3	Mailing Address	Address Sun Pharma Advanced Research Centre, Akota Road, Akota	City Baroda	State & Zip Code/Country 390020/India
Signature of Inventor 203:			Date:	
2	Full Name Of Inventor	Family Name UNNAM	First Given Name Raja	Second Given Name Sekhar
0	Residence & Citizenship	City Baroda	State or Foreign Country India	
4	Mailing Address	Address Sun Pharma Advanced Research Centre, Akota Road, Akota	City Baroda	State & Zip Code/Country 390020/India
Signature of Inventor 204:			Date:	
2	Full Name Of Inventor	Family Name JADAV	First Given Name Kanaksinh	Second Given Name Jesingbhai
0	Residence & Citizenship	City Baroda	State or Foreign Country India	
5	Mailing Address	Address Sun Pharma Advanced Research Centre, Akota Road, Akota	City Baroda	State & Zip Code/Country 390020/India
Signature of Inventor 205:			Date:	

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VIII-1-1	Declaration: Identity of the Inventor Declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i))	in relation to this international application
	Name: Address:	THENNATI, Rajamannar of SUN PHARMA ADVANCED RESEARCH CENTRE, AKOTA ROAD, AKOTA, BARODA 390020 Baroda India is the inventor of the subject matter for which protection is sought by way of this international application
	Name: Address:	CHITTURI, Trinadha, Rao of SUN PHARMA ADVANCED RESEARCH CENTRE, AKOTA ROAD, AKOTA, BARODA 390020 BARODA India is the inventor of the subject matter for which protection is sought by way of this international application
	Name: Address:	KANANGI, Shivramchandra of SUN PHARMA ADVANCED RESEARCH CENTRE, AKOTA ROAD, AKOTA, BARODA 390020 BARODA India is the inventor of the subject matter for which protection is sought by way of this international application
	Name: Address:	UNNAM, Raja, Sekhar of SUN PHARMA ADVANCED RESEARCH CENTRE, AKOTA ROAD, AKOTA, BARODA 390020 BARODA India is the inventor of the subject matter for which protection is sought by way of this international application

Name: Address:	JADAV, Kanaksinh, Jesingbhai of SUN PHARMA ADVANCED RESEARCH CENTRE, AKOTA ROAD, AKOTA, BARODA 390020 BARODA India is the inventor of the subject matter for which protection is sought by way of this international application
This declaration is made for the purposes of:	all designations

VIII-3-1	<p>Declaration: Entitlement to claim priority</p> <p>Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):</p> <p>Name:</p>	<p>in relation to this international application</p> <p>SUN PHARMACEUTICAL INDUSTRIES LIMITED is entitled to claim priority of earlier application No. 348/MUM/2002 (34/MUM-WTO/2002) by virtue of the following:</p>
VIII-3-1 (ii)		SUN PHARMACEUTICAL INDUSTRIES LIMITED is entitled as employer of the inventor, THENNATI, Rajamannar
VIII-3-1 (ii)		SUN PHARMACEUTICAL INDUSTRIES LIMITED is entitled as employer of the inventor, CHITTURI, Trinadha, Rao
VIII-3-1 (ii)		SUN PHARMACEUTICAL INDUSTRIES LIMITED is entitled as employer of the inventor, KANANGI, Shivramchandra
VIII-3-1 (ii)		SUN PHARMACEUTICAL INDUSTRIES LIMITED is entitled as employer of the inventor, UNNAM, Raja, Sekhar
VIII-3-1 (ii)		SUN PHARMACEUTICAL INDUSTRIES LIMITED is entitled as employer of the inventor, JADAV, Kanaksinh, Jesingbhai
VIII-3-1 (ix)	This declaration is made for the purposes of:	all designations

VIII-3-2	<p>Declaration: Entitlement to claim priority</p> <p>Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):</p> <p>Name:</p>	<p>in relation to this international application</p> <p>THENNATI, Rajamannar is entitled to claim priority of earlier application No. 348/MUM/2002 (34/MUM-WTO/2002) by virtue of the following:</p>
VIII-3-2 (ii)		the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
VIII-3-2 (ix)	This declaration is made for the purposes of:	all designations

VIII-3-3	<p>Declaration: Entitlement to claim priority</p> <p>Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):</p> <p>Name:</p>	<p>in relation to this international application</p> <p>CHITTURI, Trinadha, Rao is entitled to claim priority of earlier application No. 348/MUM/2002 (34/MUM-WTO/2002) by virtue of the following:</p>
VIII-3-3 (i)		the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
VIII-3-3 (ix)	This declaration is made for the purposes of:	all designations

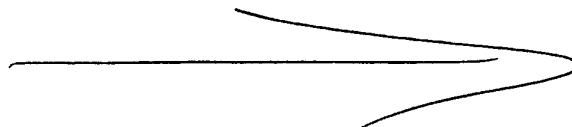
VIII-3-4	<p>Declaration: Entitlement to claim priority</p> <p>Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):</p> <p>Name:</p>	<p>in relation to this international application</p> <p>KANANGI, Shivramchandra is entitled to claim priority of earlier application No. 348/MUM/2002 (34/MUM-WTO/2002) by virtue of the following:</p>
VIII-3-4 (i)		the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
VIII-3-4 (ix)	This declaration is made for the purposes of:	all designations

VIII-3-5	<p>Declaration: Entitlement to claim priority</p> <p>Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):</p> <p>Name:</p>	<p>in relation to this international application</p> <p>UNNAM, Raja, Sekhar is entitled to claim priority of earlier application No. 348/MUM/2002 (34/MUM-WTO/2002) by virtue of the following:</p>
VIII-3-5 (i)		the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
VIII-3-5 (ix)	This declaration is made for the purposes of:	all designations

VIII-3-6	<p>Declaration: Entitlement to claim priority</p> <p>Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):</p> <p>Name:</p>	<p>in relation to this international application</p> <p>JADAV, Kanaksinh, Jesingbhai is entitled to claim priority of earlier application No. 348/MUM/2002 (34/MUM-WTO/2002) by virtue of the following:</p>
VIII-3-6 (i)		the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
VIII-3-6 (ix)	This declaration is made for the purposes of:	all designations

VIII-4-1	<p>Declaration: Inventorship (only for the purposes of the designation of the United States of America) Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv)) for the purposes of the designation of the United States of America:</p> <p>I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.</p> <p>This declaration is directed to the international application of which it forms a part (if filing declaration with application).</p> <p>I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.</p> <p><i>(Signature) + N.P. (Cust. Af (23/5/02)</i></p>
VIII-4-1 -1	Prior applications: 348/MUM/2002 (34/MUM-WTO/2002), IN, 15 April 2002 (15.04.2002)

<p>I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>	
VIII-4-1 -1-1	Name: <u>1-00</u>
VIII-4-1 -1-2	Residence: (city and either US State, if applicable, or country) <u>Baroda, India</u> <u>INX</u>
VIII-4-1 -1-3	Mailing address: <u>SUN PHARMA ADVANCED RESEARCH CENTRE</u> <u>AKOTA ROAD, AKOTA</u> <u>390020 Baroda</u> <u>India</u> <u>IN</u>
VIII-4-1 -1-4	Citizenship: <u>IN</u>
VIII-4-1 -1-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent) <u>Rajamannar</u>
VIII-4-1 -1-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application) <u>April 15, 2003</u>



VIII-4-1 -2-1	Name: <u>CHITTURI, Trinadha, Rao</u>
VIII-4-1 -2-2	Residence: <u>BARODA, India</u>
VIII-4-1 -2-3	(city and either US State, if applicable, or country) Mailing address: <u>SUN PHARMA ADVANCED RESEARCH CENTRE</u> <u>AKOTA ROAD, AKOTA</u> <u>390020 BARODA</u>
VIII-4-1 -2-4	Citizenship: <u>India</u>
VIII-4-1 -2-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)
VIII-4-1 -2-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)
VIII-4-1 -3-1	Name: <u>KANANGI, Shivramchandra</u>
VIII-4-1 -3-2	Residence: <u>BARODA, India</u>
VIII-4-1 -3-3	(city and either US State, if applicable, or country) Mailing address: <u>SUN PHARMA ADVANCED RESEARCH CENTRE</u> <u>AKOTA ROAD, AKOTA</u> <u>390020 BARODA</u>
VIII-4-1 -3-4	Citizenship: <u>India</u>
VIII-4-1 -3-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)
VIII-4-1 -3-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

VIII-4-1 -4-1	Name: <i>4-02</i>	UNNAM, Raja, Sekhar BARODA, India <i>INX</i>
VIII-4-1 -4-2	Residence: (city and either US State, if applicable, or country)	SUN PHARMA ADVANCED RESEARCH CENTRE AKOTA ROAD, AKOTA 390020 BARODA India IN VAM IN
VIII-4-1 -4-3	Mailing address:	<i>U. Raja Sekhar</i>
VIII-4-1 -4-4	Citizenship:	<i>April 15, 2003</i>
VIII-4-1 -4-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)	<i>U. Raja Sekhar</i>
VIII-4-1 -4-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)	
VIII-4-1 -5-1	Name: <i>5-02</i>	JADAV, Kanaksinh, Jesingbhai BARODA, India <i>INX</i>
VIII-4-1 -5-2	Residence: (city and either US State, if applicable, or country)	SUN PHARMA ADVANCED RESEARCH CENTRE AKOTA ROAD, AKOTA 390020 BARODA India IN
VIII-4-1 -5-3	Mailing address:	<i>Dawab</i>
VIII-4-1 -5-4	Citizenship:	<i>April 15, 2003</i>
VIII-4-1 -5-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)	
VIII-4-1 -5-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)	